

## REMARKS

Claims 48-69 remain in this application. Claims 21-29 and 33-47 have been cancelled without prejudice to their subsequent reinstatement. Claims 48-69 have been added. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

### 35 U.S.C. §102(b) Rejection - Hunter

The Examiner has rejected claims 21, 23-25, 29, 33-35 and 38 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,356,623 issued to Hunter (hereinafter referred to as "Hunter"). These claims have been cancelled. Applicants respectfully submit that the present claims are allowable over Hunter.

Claim 48 recites a method comprising "*removing a portion of the insulating layer that is not on the sidewalls including performing a combination of a dry etch and then a wet etch*". As understood by Applicants, Hunter does not teach or suggest these limitations.

Claim 53 recites a method comprising "*depositing an insulating layer at a temperature that is higher than 750°C*". As understood by Applicants, Hunter does not teach or suggest these limitations.

Claim 61 recites a method comprising "*removing the insulating spacers by etching; and forming a source and a drain by ion implantation*". As understood by Applicants, Hunter does not teach or suggest these limitations.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity.

*“For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference.”* In *Re Bond*, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

Accordingly, independent claims 48, 53, and 61, and their dependent claims, are believed to be allowable over Hunter.

### **35 U.S.C. §102(b) Rejection – Lin**

The Examiner has rejected claims 21, 23-24, 29, 33 and 38-40 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,190,981 issued to Lin et al. (hereinafter referred to as “Lin”). Applicants respectfully submit that the present claims are allowable over Lin.

Claim 48 recites a method comprising *“removing a portion of the insulating layer that is not on the sidewalls including performing a combination of a dry etch and then a wet etch”*. As understood by Applicants, Lin does not teach or suggest these limitations.

Claim 53 recites a method comprising *“depositing an insulating layer at a temperature that is higher than 750°C”*. As understood by Applicants, Lin does not teach or suggest these limitations.

Claim 61 recites a method comprising *“removing the insulating spacers by etching; and forming a source and a drain by ion implantation”*. As understood by Applicants, Lin does not teach or suggest these limitations.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. *“For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element*

*of the claimed invention must be identically shown in a single reference.”* In *Re Bond*, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

Accordingly, independent claims 48, 53, and 61, and their dependent claims, are believed to be allowable over Lin.

### **35 U.S.C. §102(e) Rejection – Ishida**

The Examiner has rejected claims 21, 23-25, 27-29, 33-38 and 41-45 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,429,083 issued to Ishida et al. (hereinafter referred to as “Ishida”). Applicants respectfully submit that the present claims are allowable over Ishida.

Claim 48 recites a method comprising “*removing a portion of the insulating layer that is not on the sidewalls including performing a combination of a dry etch and then a wet etch*”. As understood by Applicants, Ishida does not teach or suggest these limitations.

Claim 53 recites a method comprising “*depositing an insulating layer at a temperature that is higher than 750°C*”. As understood by Applicants, Ishida does not teach or suggest these limitations.

Claim 61 recites a method comprising “*removing the insulating spacers by etching; and forming a source and a drain by ion implantation*”. As understood by Applicants, Ishida does not teach or suggest these limitations.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. “*For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element*

*of the claimed invention must be identically shown in a single reference.”* In *Re Bond*, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

Accordingly, independent claims 48, 53, and 61, and their dependent claims, are believed to be allowable over Ishida.

### **35 U.S.C. §103(a) Rejection – Ishida in view of Lin**

The Examiner has rejected claim 46 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,429,083 issued to Ishida et al. (“Ishida”) in view of U.S. Patent No. 6,190,981 issued to Lin et al. (“Lin”). Without admitting the appropriateness of combining Ishida and Lin, Applicants respectfully submit that all of the present claims are believed to be allowable over any combination of Ishida and Lin, since any combination fails to teach or suggest all of the features recited in the independent claims. The discussion above is pertinent to this point.

### **Conclusion**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

### **Request For Telephone Interview**

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request For An Extension Of Time**

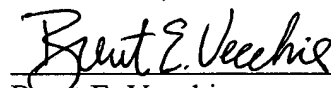
The Applicants respectfully petition for a on month extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a). Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

### **Charge Our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Date: 10-29-04

Respectfully submitted,  
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